

07-26-04



AF& IFW

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 548425422 US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 22, 2004

Signature: _____

(Grace Yu)

Docket No.: 377882001600
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gary VAN NEST et al.

Application No.: 09/802,685

Confirmation No.: 9970

Filed: March 9, 2001

Art Unit: 1632

For: METHODS OF PREVENTING AND
TREATING VIRAL INFECTIONS USING
IMMUNOMODULATORY
POLYNUCLEOTIDE SEQUENCES

Examiner: J. Woitach

**RESPONSE AND COMMUNICATION REGARDING ABANDONMENT
IN FAVOR OF CONTINUATION PATENT APPLICATION**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the final Office Action dated March 22, 2004 in connection with the above-identified application. Filed herewith is a Petition and fee for a 1 month extension of time, thereby extending the deadline for response to July 22, 2004. Accordingly, this response is timely filed.

Applicants are electing to abandon the present application in favor of the continuation patent application filed herewith on this date. Although Applicants have decided to abandon this application, they expressly do not acquiesce in any aspect of the final Office Action mailed on March 22, 2004, but rather will address such issues should they arise in the continuation application. In that regard, Applicants provide the following comments with respect to the final Office Action.

07/26/2004 JBALINAM 00000128 031952 09802685

01 FC:2251 55.00 DA

sd-210533